

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MOISES POLANCO GONZALEZ,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 3:24-75
)	Judge Nora Barry Fischer
COLETTE PETERS, DIRECTOR, BOP,)	Magistrate Judge Keith Pesto
MICHAEL UNDERWOOD, WARDEN,)	
F.C.I. LORETTO,)	
)	
Respondents.)	

MEMORANDUM ORDER

AND NOW, this 4th day of April, 2025, upon consideration of the § 2241 habeas petition filed by Petitioner Moises Polanco-Gonzalez against BOP Director Colette S. Peters on July 24, 2024, (Docket No. 5), the Response in opposition filed by said Respondents on December 16, 2024, (Docket No. 11), Petitioner's further Response to the Government's Objections filed on January 10, 2025, (Docket No. 12), and the Report and Recommendation filed by United States Magistrate Judge Keith A. Pesto on February 24, 2025, (Docket No. 13), recommending that the § 2241 habeas petition filed by Petitioner be denied, in part, as meritless, to the extent he seeks release at this time and without prejudice as his claim for the application of earned time credits under the First Step Act is premature and he has otherwise failed to exhaust administrative remedies, and directed that any objections be filed within 14 days such that objections from non-ECF users like Petitioner were due by March 13, 2025, and no objections having been filed as of the date of this Order, and this matter having been recently reassigned to the undersigned for prompt disposition of the matter, (Docket No. 16), and upon independent review of the record and de novo consideration of the Magistrate Judge's Report and Recommendation,

IT IS HEREBY ORDERED that the Report and Recommendation (Docket No. 13) is ADOPTED as the opinion of this Court;

IT IS FURTHER ORDERED that the Petition (Docket No. 5) is DENIED, as meritless, to the extent that Petitioner seeks immediate release and without prejudice, as his claim for earned time credits is premature and he has otherwise failed to exhaust administrative remedies; and,

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED.

s/Nora Barry Fischer
Nora Barry Fischer
Senior U.S. District Judge

Dated: April 4, 2025

cc/ecf: Magistrate Judge Keith A. Pesto

cc: MOISES POLANCO GONZALEZ
BOP # 30532-509
F.C.I. Loretto
P.O. Box 1000
Cresson, PA 16630 (via first class mail)